

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUONG HOANG, an individual,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware  
corporation; and IMDb.COM, INC., a  
Delaware corporation,

Defendants.

No. 2:11-CV-01709-MJP

DECLARATION OF JOEL Y. HIGA IN  
SUPPORT OF IMDb.COM, INC.'S  
MOTION FOR SUMMARY JUDGMENT  
AND AMAZON.COM, INC.'S MOTION  
FOR SUMMARY JUDGMENT

**FILED UNDER SEAL--Contains  
Confidential and Highly  
Confidential/Attorneys' Eyes Only  
Information**

I, JOEL Y. HIGA, declare as follows:

1. I am a paralegal at Perkins Coie LLP. I am over 18 years of age and make this declaration based on personal knowledge and review of records and correspondence relating to the above-referenced matter. If called upon to testify, I could and would testify competently as to the matters set forth herein.

2. Plaintiff Huong Hoang ("Hoang") produced documents reflecting auditions that she requested, auditions she was offered and attended, and roles she received by submitting her resume through four websites: Actors Access, Casting Frontier, Casting Networks, and Now

DECLARATION OF JOEL Y. HIGA  
(No. 2:11-CV-01709-MJP) – 1

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**Perkins Coie LLP**  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

1 Casting. Declaration of Breena M. Roos in Support of IMDb.com, Inc.'s Motion for Summary  
 2 Judgment and Amazon.com, Inc.'s Motion for Summary Judgment ("Roos Declaration"),  
 3 Exhibits NN, OO, PP, QQ, RR, SS, TT, and GGG. Attached hereto as Exhibit A is a series of  
 4 charts summarizing these documents, prepared by me. The way each chart was prepared is  
 5 described in paragraphs 3 through 6, below. The columns in each of the charts reflect the  
 6 following information:  
 7  
 8  
 9  
 10  
 11

- 12 a. The columns titled "Auditions Requested" list the number of auditions that  
 13 Hoang requested through the website during a particular year.  
 14  
 15 b. The columns titled "Auditions Offered" list the number of auditions that  
 16 Hoang was offered during a particular year.  
 17  
 18 c. The columns titled "Auditions Refused" list the number of auditions that  
 19 Hoang was offered but did not attend during a particular year.  
 20  
 21 d. The columns titled "Auditions Attended" list the number of auditions that  
 22 Hoang was offered and attended during a particular year.  
 23  
 24 e. The columns titled "Roles Offered" list the number of roles that Hoang  
 25 was offered during a particular year.  
 26  
 27 f. The columns titled "All Auditions Received Per Submission" list the  
 28 percentage of Hoang's submissions ("Auditions Requested") that resulted  
 29 in an audition offer ("Auditions Offered"). I calculated this using the  
 30 following formula:  
 31  
 32  
 33  
 34  
 35  
 36  
 37  
 38  
 39  
 40  
 41  
 42  
 43 g. The columns titled "Attended Auditions Received Per Submission" list the  
 44 percentage of Hoang's submissions ("Auditions Requested") that resulted  
 45 in an audition that Hoang attended ("Auditions Attended"). I calculated  
 46 this using the following formula:  
 47  
 48  
 49  
 50  
 51

"Auditions Offered" / "Auditions Requested"

"Auditions Attended" / "Auditions Requested"

DECLARATION OF JOEL Y. HIGA  
 (No. 2:11-CV-01709-MJP) – 2

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h. The columns titled “Roles Offered per Auditions Attended” - This column lists the percentage of auditions that Hoang attended (“Auditions Attended”) that resulted in an offer for a role (“Roles Offered”). I calculated this using the following formula:

“Auditions Attended” / “Role Offered”

3. I prepared Exhibit A.2 using Exhibits GGG and NN to the Roos Declaration. Hoang’s submission history for Actors Access is reflected on her production HOANG 000200 – 564, and is attached in its entirety as Exhibit GGG to the Roos Declaration. In her deposition, Hoang identifies each entry as representing an audition she requested. Roos Decl., Ex. MM at 415:5-416:8; 417:10-14. All of the auditions offered to Hoang are reflected on her production HOANG 000170-185, which is attached as Exhibit NN to the Roos Declaration. In her deposition, Hoang identifies each entry as being an audition she was offered, with the crossed out entries denoting auditions that she did not attend. *Id.* at 418:9-15; 418:22 – 419:2. The roles that Hoang received are denoted by the hand-written note “booked.” *Id.* at 421:11-25.

4. I prepared Exhibit A.3 using Exhibits OO and PP to the Roos Declaration. Hoang’s submission history for Casting Frontier is reflected on her production HOANG 000565 – 588, and is attached as Exhibit OO to the Roos Declaration. In her deposition, Hoang identifies each entry with a checkmark (first seen on HOANG 000574, or Exhibit OO, Page 11) as an audition she requested. Roos Decl., Ex. MM at 425:10 – 426:5; 426:12 – 15. All of the auditions offered to Hoang are reflected on her production HOANG 000186, which is attached as Exhibit PP to the Roos Declaration. In deposition, Hoang identifies each entry as being an audition she was offered. *Id.* at 427:9 – 427:20.

5. I prepared Exhibit A.4 using Exhibits QQ and RR to the Roos Declaration. Hoang’s submission history for Casting Networks is reflected on her production HOANG 000589 – 594, and is attached as Exhibit QQ to the Roos Declaration. In her deposition, Hoang identifies each entry as an audition she requested. Roos Decl., Ex. MM at 428:4 – 18. All of the

auditions offered to Hoang are reflected on her production HOANG 000595 – 600, which is attached as exhibit RR to Ms. Roos' Declaration. In her deposition, Hoang identifies each entry as being an audition she was offered, with the crossed out entries denoting auditions she did not attend. *Id.* at 430:14 – 431:1, 431:10 – 432:1.

6. I prepared Exhibit A.5 using Exhibits SS and TT to the Roos Declaration. Ms. Hoang's submission history for Now Casting is reflected on her production HOANG 000601 – 662, and is attached as Exhibit SS to the Roos Declaration. In her deposition, Hoang identifies each entry as an audition she requested. Roos Decl., Ex. MM at 432:17 – 433:9. All of the auditions offered to Hoang are reflected on her production HOANG 000187, which is attached as exhibit TT to Ms. Roos' Declaration. In her deposition, Hoang identifies each entry as being an audition she was offered, with the crossed out entries denoting auditions she did not attend. *Id.* at 435:1-7. The auditions that Hoang secured but rejected are reflected by the crossed out entries on the same document. *Id.* at 435:15 – 20, and 435:10-20.

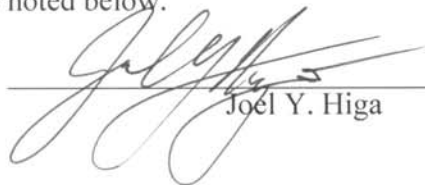
7. Exhibit A.5 is a compilation of Exhibits A.2, A.3, A.4, and A.5, described in paragraphs 3 through 6, above.

8. Exhibit A is based on documents that Ms. Hoang designated as Confidential pursuant to the Stipulated Protective Order, Dkt. No. 58, and therefore is being filed under seal.

I certify under penalty of perjury that the foregoing is true and correct.

Signed at Seattle, Washington on the date noted below.

DATED: November 29, 2012

  
Joel Y. Higa

DECLARATION OF JOEL Y. HIGA  
(No. 2:11-CV-01709-MJP) – 4

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